



**BOARD OF ZONING APPEALS · CITY OF HAMPTON, VIRGINIA**  
**Meeting Agenda · August 2, 2021**

**CHAIRMAN:** John C. (Jack) Pope

**VICE-CHAIRMAN:** Michael Harris

**MEMBERS:** Dr. Arne Hasselquist, Dr. Tamika Lett, Rev. Joshua N. King, Sr., Philip Siff (Alternate)

**WORK SESSION**

**4:30 PM – Community Development Conference Room, 5th Floor City Hall**

- I. Questions about agenda items**

**REGULAR MEETING**

**5:00 PM – City Council Chambers, 8th Floor City Hall**

- I. Roll call**
- II. Minutes of the July 12, 2021 meeting**
- III. Public hearing items**
  - A. VA21-00010: Henry Talkington, 705 Fairfield Blvd, LRSN 1100392** request for a variance to increase the maximum rear yard coverage allowed from 20 percent to 25 percent in order to replace an existing garage with a new 24' x 26' detached garage in the rear yard.
- IV. Other Items**
- V. Adjournment**

*As a courtesy to others during the meeting, please turn off cellular telephones or set them to vibrate.*

Community Development Department, Planning & Zoning Administration Division

22 Lincoln Street | Hampton, Virginia 23669  
[www.hampton.gov](http://www.hampton.gov) | Hampton's 311: 757.727.8311 | O.757.727.6140

**CITY OF HAMPTON BOARD OF ZONING APPEALS  
WORK SESSION SUMMARY**

**July 12, 2021**

The City of Hampton Board of Zoning Appeals held a work session on Tuesday, July 12, 2021 at 4:30 p.m. in the Hardy Cash Conference Room, City Hall, 22 Lincoln Street, Hampton, Virginia.

In attendance were: Chairman John C. Pope, Board Members Dr. Arne Hasselquist, Dr. Tamika Left, and Rev. Joshua King. Absent from the meeting was Board Member Michael Harris. Also present were Zoning Administrator Hannah Sabo, Deputy City Attorney Bonnie Brown, Zoning Official Angela Leflett, Senior Zoning Official James Gillie and Administrative Projects Coordinator/Acting Recording Secretary Aqiylah McGill.

Also present were applicants John and Casey Founds and their builder, from Markey Homes

Chairman Pope called the work session to order at 4:30 p.m.

Regarding VA21-00009, Board Member Hasselquist advised he was familiar with a relative of the applicant and lived near the parcel address. He wanted to confirm he did not have to recuse himself from the hearing due to his familiarity with the community and family of the applicant for 102 Bonita Drive. Attorney Bonnie Brown confirmed he did not have to recuse himself because he has no invested interest in the parcel nor does he work for the family. Dr. Hasselquist, additionally attempted to clarify the staff requirement that the garage has to be set 18" behind the front door. Zoning Administrator Hannah Sabo explained the requirement and confirmed the applicant would have to adjust the garage 6" to meet the requirement. When asking about the windows on the structure, Chairman Pope explained that is a building issue and not a zoning issue. Hannah Sabo explained the flood elevation requirements versus the infill housing overlay limitations.

Chairman Pope inquired about the zoning ordinance changes advertised in the Daily Press. Ms. Sabo and Ms. Brown explained the status of parking on lawns, cemetery size expansions, and sign type updates. The board continued discussion on the regulation of flag poles and allowable heights versus regulated sizes.

Ms. Sabo advised the board both VA21-00005 and VA21-00006 will be presented simultaneously by staff.

There being no further items to discuss, the work session adjourned at 4:50 p.m.

1 **AT A REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF ZONING APPEALS OF THE CITY**  
2 **OF HAMPTON, VIRGINIA, HELD IN COUNCIL CHAMBERS, 8<sup>TH</sup> FLOOR, CITY HALL, 22 LINCOLN**  
3 **STREET, AT 5:00 P.M. ON Tuesday, July 12, 2021.**

4 **ITEM I. ROLL CALL**

5  
6 Chairman Pope called the meeting to order at 5:00 p.m.

7  
8 A call of the roll noted those present: Chairman John C. Pope, Board Members Dr. Tamika Lett,  
9 Dr. Hasselquist, and Rev. Joshua King. Absent from the hearing was Board Member Michael  
10 Harris.

11  
12 Also present were Zoning Administrator Hannah Sabo, Deputy City Attorney Bonnie Brown,  
13 Zoning Official Angela Leflett, Senior Zoning Official James Gillie and Administrative Projects  
14 Coordinator/Acting Recording Secretary Aqiylah McGill.

15  
16 **ITEM II. MINUTES – June 7, 2021**

17  
18 A motion was made by Dr. Lett and seconded by Rev. King, to approve the June 7, 2021 Board  
19 of Zoning Appeals work session and public hearing meeting minutes.

20  
21 A roll call vote on the motion resulted as follows:

22  
23 AYES: Hasselquist, Lett, King, Pope  
24 NAYS: None  
25 ABSTAIN: None  
26 ABSENT: Harris

27  
28 **ITEM III. PUBLIC HEARING ITEMS:**

29  
30  
31 **A. VA21-00005: Cardinal Sign Corporation, 210 W. Mercury Boulevard, LRSN 8005832,**  
32 request for a variance to increase the number of permitted freestanding signs on  
33 the property from one to three.

34 Senior Zoning Official James Gillie presented both cases VA21-00005 and VA21-00006 to the  
35 Board on behalf of the City.

36  
37 Following staff presentation, Chairman Pope opened the floor for questions to the Staff. Rev.  
38 King asked if the site presently had signs to which Mr. Gillie confirmed there were none.

39  
40 After confirming the applicants were present to speak, Zoning Administrator Hannah Sabo  
41 advised the Board and the applicant that due to there being 4 of the 5 board members  
42 present with no alternate, the applicant has the option to defer to the next meeting where  
43 they can present before 5 board members. The applicant opted to continue with the hearing  
44 and present their case to the 4 Board Members present.

45 Amazon representative, Samantha Mazo presented on behalf of the applicant.  
46  
47  
48

1 After discussion, a motion was made by Dr. Hasselquist to approve the variance request VA21-  
2 00005 with staff conditions. The motion was seconded by Board Member Rev. King.

3  
4 A roll call vote on the motion resulted as follows:

5           AYES:           Hasselquist, Lett, King, Pope  
6           NAYS:           None  
7           ABSTAIN:       None  
8           ABSENT:       Harris  
9

10  
11           **B. VA21-00006: Cardinal Sign Corporation, 210 W. Mercury Boulevard, LRSN 8005832,**  
12           request for a variance to increase the permitted sign area for a freestanding sign  
13           from 65 square feet to 88 square feet.

14 Both VA21-00005 and VA21-00006 were presented by staff simultaneously.

15  
16 A motion was made by Dr. Hasselquist to approve the variance request with the staff  
17 recommended conditions. The motion was seconded by Dr. Lett.

18  
19 A roll call vote on the motion resulted as follows:

20           AYES:           Hasselquist, Lett, King, Pope  
21           NAYS:           None  
22           ABSTAIN:       None  
23           ABSENT:       Harris  
24

25  
26           **C. VA21-00009: John and Carey Founds, 102 Bonita Drive, LRSN 10000973,** request for a  
27           variance to increase the maximum number of stories for a new single family  
28           dwelling in the infill housing overlay from 2 stories to 3 stories.  
29

30 Zoning Official Angela Leflett presented the case on behalf of the City.

31  
32 Regarding the staff requirements, Rev. King asked Angela to explain the 18" requirements from  
33 the applicant and the limitations of the infill housing overlay district

34  
35 After being sworn in by the court reporter, applicant Mr. John Founds of 37 Rileys Way,  
36 Hampton, VA 23664, presented on behalf of the applicant.

37  
38 Rev. King inquired if the applicant would be using the garage for storage or parking cars. Mr.  
39 Founds advised they have no plans to store items in the space as it would not be insured.

40  
41 After being sworn in by the court reporter, builder Roger McLellon of Marquee Homes, 538  
42 Wythe Creek Road, Suite G, Poquoson, VA 23662, confirmed with Dr. Hasselquist that the  
43 building currently meets the infill housing requirements for the garage location and building  
44 height.

45  
46 After discussion, Rev. King made a motion to approve the request with staff recommendations.  
47 The motion was seconded by Dr. Hasselquist.  
48

1 A roll call vote on the motion resulted as follows:

2  
3 AYES: Hasselquist, Lett, King, Pope  
4 NAYS: None  
5 ABSTAIN: None  
6 ABSENT: Harris  
7  
8

9 **ITEM IV. OTHER ITEMS**

10  
11  
12 **ITEM V. ADJOURNMENT**

13  
14 There being no further business to come before the Board, the meeting was adjourned at 5:28  
15 p.m.  
16  
17

18 \_\_\_\_\_  
19 John C. Pope, Chairman  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

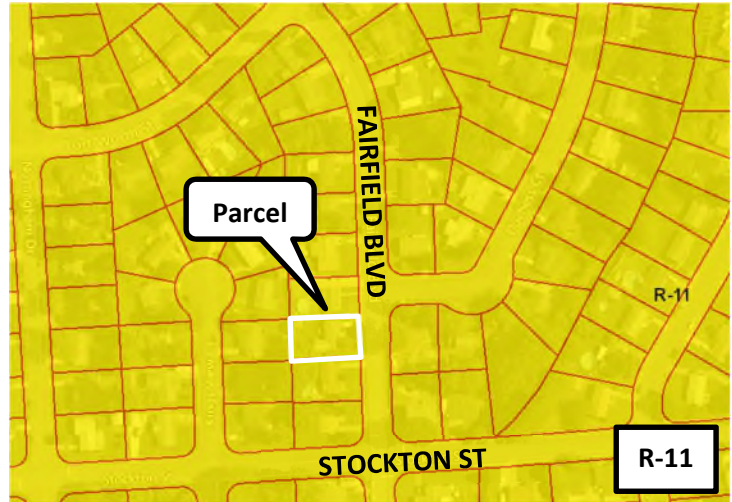


**August 2, 2021**  
**Case No. VA21-00010**

**Prepared By:** James Gillie,  
Senior Zoning Official

**Case Type:** Variance  
**Location:** 705 Fairfield Blvd  
**Zoning District:** R-11  
**Overlay Zones:** Flood Zone

**Owner/Applicant:** Henry Talkington



**Request:** A variance to increase the maximum rear yard coverage allowed from 20 percent to 25 percent in order to replace an existing detached garage with a new 24' x 26' detached garage in the rear yard.

### Applicable Zoning Ordinance Section(s)

Ch. 1, Art. II, Sec. 1-24(3): "Accessory buildings or structures."

*In any One- or Two-Family Residential ('R') District, the R-M District, the LFA-5 District, and on any fee-simple lot in any MD-1, MD-2, MD-4 District, accessory buildings or structures shall not occupy more than twenty (20) percent of the rear yard area.*

### Summary

VA21-00010 is a request to increase the maximum rear yard coverage allowed from 20 percent to 25 percent in order to replace an existing detached garage with a new 24' x 26' detached garage in the rear yard.

The parcel is 7,705 square feet with 67 feet of frontage and 1,525 square feet of dwelling area. The R-11 zoning district has a minimum lot size requirement of 9,000 square feet and 1,700 square feet of dwelling area. 705 Fairfield Blvd has less lot area than the R-11 zoning district requires, making it a substandard lot. The rear yard is 67' wide by 37.1' deep. There is an existing 10' x 15' detached garage in the rear yard the meets all requirements under Section 1-24(3); the proposed garage would replace this existing one. A previously existing attached garage was converted into a bedroom (see attached elevation).

On 6/12/1989 a building permit was issued to construct a 20' x 16' bedroom addition that reduced the rear yard. Per the survey provided, dated 06/03/2021, the rear yard is 2,485.7 square feet. This would allow for up to 497 square feet of rear yard coverage under Section 1-24(3), which limits the rear yard coverage to 20 percent of the rear yard. The proposed garage is 624 square feet, 127 square feet more that would be permitted and 474 square feet more than the existing detached garage.

The applicant has not submitted elevations for the proposed structure at this time.

### Criteria for Review of Variances

See Virginia Code § 15.2-2201 and § 15.2-2310; Zoning Ordinance § 13-11

Summary of Criteria	Staff Considerations
1. Strict application of the terms of the ordinance <b>would unreasonably restrict utilization of the property or</b> that granting a variance would <b>alleviate an undue hardship</b> due to a physical condition relating to the property;	<ul style="list-style-type: none"> <li>The applicant has not demonstrated unreasonable restriction of utilization of the property. The property is currently in use as a single family dwelling</li> <li>The applicant has provided no hardship.</li> <li>The condition is not so general that an amendment to the ordinance is warranted.</li> <li>Granting the variance would not result in a change to the zoning classification of the property.</li> <li>Relief sought cannot be obtained through an exception process.</li> <li>A 497 square foot detached garage could be built without needing a variance.</li> </ul>
2. The property interest for which the variance is being requested was <b>acquired in good faith</b> and <b>any hardship was not created by the applicant</b> for the variance;	
3. The granting of the variance <b>will not be of substantial detriment to adjacent property</b> and nearby properties in the proximity of that geographical area;	
4. The condition or situation of the property concerned is <b>not of so general or recurring a nature</b> as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;	
5. The granting of the variance <b>does not result in a use that is not otherwise permitted</b> on such property <b>or a change in the zoning classification</b> of the property; and	
6. The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.	

### Staff Recommendation: Denial

Based on the information provided by the applicant and evaluation of the standards of review for variances provided in Sec. 13-11(2) of the Zoning Ordinance, staff recommends **denial** of VA21-00010.

### Staff recommends the following conditions if Board approves:

- Construction of the garage shall be built in substantial conformity with the attached site development plan, date 6/03/2021
- Detached garage shall not be used as a dwelling.

### Example Motions:

#### EXAMPLE MOTION TO **APPROVE** VARIANCE:

I move we approve the variance because strict application of the ordinance would **[unreasonably restrict utilization of the property/create an undue hardship]** due to **[INSERT JUSTIFICATION]** and all the other criteria in the Virginia Code are met.

#### EXAMPLE MOTION TO **APPROVE** VARIANCE **WITH CONDITIONS**:

I move we approve the variance with the conditions recommended by staff because strict application of the ordinance would **[unreasonably restrict utilization of the property/create an undue hardship]** due to **[INSERT JUSTIFICATION]** and all the other criteria in the Virginia Code are met.

#### EXAMPLE MOTION TO **DENY** VARIANCE:



I move we deny the variance because the application does not meet the criteria in the Virginia Code due to **[INSERT JUSTIFICATION]**.





**Description of request:**

I would like to add a garage to my backyard, but the rear yard is measured from the end of my addition and not from the end of the main building which means my back yard is considerably smaller and the garage is roughly 24% of the rear yard when measured from the addition. If measured from the main building and subtracting the addition it's at 18%. This strict application of the terms of the ordinance in my opinion unreasonably restricts the utilization of my property and I would like to be granted a variance.

and (4) the following:

**Variance**

For requests relating to signage, submit plans showing detail of the sign type, size, design, and location

**Special Exception**

Day Care  
Supplement form

**Appeal of the Zoning Administrator's Decision or  
Appeal of a Zoning Administrative Officer's  
Decision**

In the description of request, include the date of the decision being appealed and the reason for appeal

**Chesapeake Bay Exception**

- (1) A recent, to scale physical survey of the property, prepared by a licensed surveyor that must include:
  - a) Environmental Site Assessment: RPA, RMA, IDA buffer areas, RPA features, and wetlands drawn and clearly labeled.
  - b) Erosion and Sediment Control Plan; Silt Fences, Construction Entrances, etc.
  - c) All proposed improvements to the property; new buildings, new roads/infrastructure, etc.
- (2) Water Quality Impact Assessment (see attached);
- (3) Background Information (property deeds, recorded plats, date stamped photos, prior approvals, etc.);

*Additional information may be required at the Zoning Administrator's discretion*

*Development of any property is subject to compliance with all applicable codes, regulations and ordinances, regardless of whether such is specified in a Board of Zoning Appeals approval*



### 3. PROPERTY OWNER INFORMATION

*An individual or a legal entity may be listed*

Owner's Name Henry Talkington

Address 705 Fairfield Blvd

City Hampton State VA Zip 23669

Phone 4098931193

Email Tomtalk22@outlook.com

### 4. APPLICANT INFORMATION

*(if different from owner)*

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

### 4. AGGRIEVED PARTY INFORMATION (if applicable)

*An individual or a legal entity may be listed*

Aggrieved Party \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

### 5. APPLICANT AGENT INFORMATION

*(if different from applicant)*

Agent's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

### 6. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

*Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 3 above.*

*"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."*

Name of Legal Entity \_\_\_\_\_

Signed by: Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

### 7. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS

*Complete this section only if the property owner is an individual or individuals.*

*"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."*

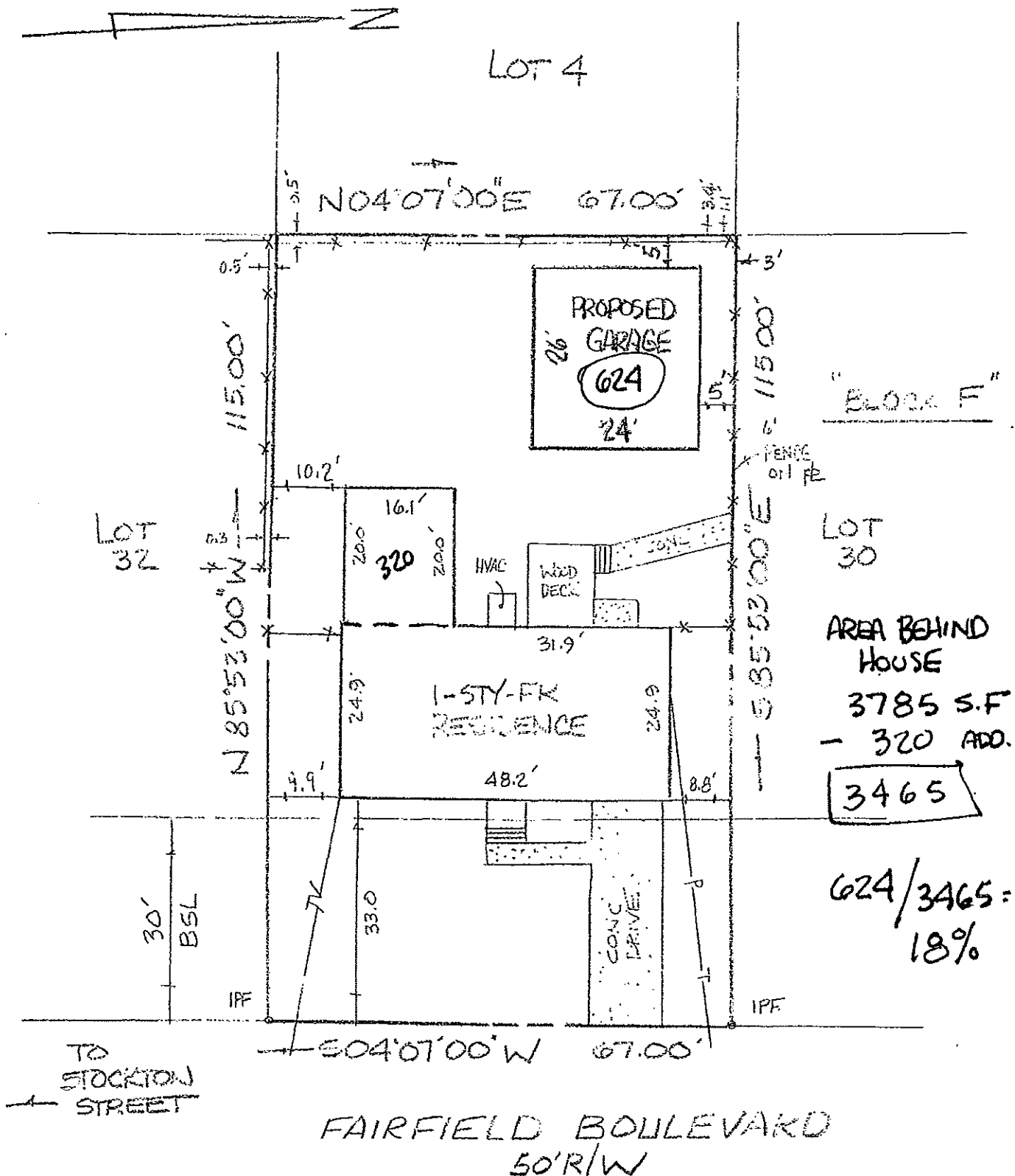
Signed by: Name (printed) Henry Talkington

Signature  Date 6/7/21

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

*Development of any property is subject to compliance with all applicable codes, regulations and ordinances, regardless of whether such is specified in a Board of Zoning Appeals approval*



THIS IS TO CERTIFY THAT ON JUNE 3, 2021,  
 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT  
 AND FOUND THE PROPERTY LINES TO BE CORRECT  
 AS SHOWN HEREON.  
 THERE ARE NO VISIBLE ENCROACHMENTS EITHER  
 WAY ACROSS THE LINES EXCEPT AS SHOWN.  
 THE PROPERTY IS SUBJECT TO EASEMENTS,  
 SERVITUDES AND COVENANTS OF RECORD.

THIS SURVEY WAS DONE WITHOUT BENEFIT OF A  
 CURRENT TITLE REPORT.

FLOOD ZONE: AE(8)  
 FLOOD INSURANCE RATE MAP: 515527 0020 H  
 DATE OF F.I.R.M.: 5/16/16  
 NOTE: UNDERGROUND UTILITIES

# 705 FAIRFIELD BOULEVARD





05/21/2019